

ROSEMARY M. RIVAS (CA SBN 209147)
MARK PUNZALAN (CA SBN 247599)
FINKELSTEIN THOMPSON LLP
100 Bush Street, Suite 1450
San Francisco, CA, 95104
Telephone: 415.3988.8700
Facsimile: 415.3988.8704
E-mail: rrivas@finkelsteinthompson.com

[Additional Counsel Listed on Signature Page]

Attorneys for Individual and Representative Plaintiff

WILLIAM L. STERN (CA SBN 96105)
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105-2482
Telephone: 415.268.7000
Facsimile: 415.268.7522
E-mail: wstern@mofo.com

Attorneys for Defendant and Counterclaimant
GAP INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOEL RUIZ, On Behalf of Himself and All Others
Similarly Situated,

Plaintiff,

v.

GAP, INC., and DOES 1-9 inclusive,

Defendants.

Case No. C 07-5739 SC

**STIPULATION RE CASE
MANAGEMENT AND ORDER**

IT IS HEREBY STIPULATED AS FOLLOWS:

1. The existing scheduling order, entered October 2, 2008 (Docket #75, 2:5-9), continued Plaintiff's motion for class certification and Defendant's motion for summary judgment from December 5, 2008 to February 6, 2009. Under this schedule, the parties' opening briefs are due January 2, 2009.

1 2. On November 26, 2008, Plaintiff filed a motion for leave to file a First Amended
2 Complaint, scheduled for January 23, 2009. (Docket #77, 81.) Plaintiff seeks leave to name an
3 additional defendant, to add a new claim, and to reinstate a claim for violation of the Unfair
4 Competition Law, California Business & Professions Code §§ 17200, *et seq.* ("UCL").
5 Defendant intends to oppose the motion.

6 3. This timing means that, as scheduled, the parties' motions for class certification
7 and summary judgment would be filed in reference to an original Complaint (Docket #1) that may
8 be superseded by a later First Amended Complaint. The parties believe that the Court and the
9 parties would be better served by directing class certification and summary judgment to the First
10 Amended Complaint, assuming leave to file is granted. To do that, however, those motions will
11 need to be continued. Additionally, Defendant's counsel has a scheduling conflict on February 6,
12 2009.

13 4. The parties respectfully request that, for good cause shown, the Court vacate the
14 February 6, 2009 hearing date and reschedule that hearing to March 20, 2009 at 10:00 a.m. This
15 request does not affect the discovery cutoff currently set for December 23, 2008.

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1 Dated: December 18, 2008

BEN BARNOW, *PRO HAC VICE*
BARNOW AND ASSOCIATES, P.C.

2 MILA F. BARTOS
3 FINKELSTEIN THOMPSON LLP
4 (WASHINGTON D.C.)

5 ROSEMARY M. RIVAS
FINKELSTEIN THOMPSON LLP

7 By /s/ Rosemary M. Rivas
Rosemary M. Rivas

8 Attorneys for Individual and Representative
9 Plaintiff JOEL RUIZ

10 Dated: December 18, 2008

11 WILLIAM L. STERN
MORRISON & FOERSTER LLP

12 By /s/ William L. Stern
13 William L. Stern

14 Attorneys for Defendant GAP INC.

15
16 IT IS HEREBY ORDERED that the briefing schedule set forth in the Court's order dated
17 October 2, 2208 (Docket #75) is hereby vacated, that Plaintiff's motion to certify the class and
18 Defendants' motion for summary judgment is continued until Friday, March 20, 2009, at 10:00
19 a.m. The briefing schedule for these motions shall run from the new hearing date in accordance
20 with the Federal Rules of Civil Procedure.

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22 Dated: December 19, 2008

